

REMARKS

Claims 1 to 13, 16 to 19, 22, 25, 41, 42, 52 to 63, and 66 to 73 are pending in the application. No claims have been amended, canceled, or added, herein.

Applicant respectfully requests reconsideration of the requirement for restriction in view of the following remarks.

Restriction Requirement

The Office requires Applicant to restrict the claimed subject matter to either methods of inhibiting the replication of, or reducing the viral titer of, HCV serotype 1b, or methods of inhibiting the replication of, or reducing the viral titer of, HCV serotype 2a/2c. Applicant respectfully traverses the restriction requirement because a search and examination of the entirety of the claimed subject matter can be conducted without a serious burden.

The purpose of 35 U.S.C. § 121 is to avoid the necessity of conducting separate and diverse searches of claims directed to independent or distinct subject matter. Separate and diverse searches would not be required for the present application, however, because the relationship among the claimed methods is such that a search of methods involving HCV serotype 1b would necessarily lead to disclosures, to the extent that any exist, of methods involving HCV serotype 2a/2c. For example, a comprehensive search of methods of inhibiting the replication of, or reducing the viral titer of, HCV serotype 1b comprising administering arginine deiminase bonded to polyethylene glycol, would necessarily lead to specific disclosures, to the extent that any exist, of methods of inhibiting the replication of, or reducing the viral titer of, HCV serotype 2a/2c comprising administering arginine deiminase bonded to polyethylene glycol.

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PATENT

Accordingly, a search and examination of the entirety of the claimed subject matter would not impose a serious burden on the Examiner, and Applicant respectfully requests withdrawal of the restriction requirement. M.P.E.P. § 803 (“If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions.”) (emphasis added).

Nevertheless, in accordance with 37 C.F.R. § 1.143, Applicant hereby provisionally elects for prosecution on the merits methods of inhibiting the replication of, or reducing the viral titer of, HCV serotype 1b comprising administering arginine deiminase bonded to polyethylene glycol, which methods encompass all of the pending claims.

Conclusion

Applicant believes that the foregoing constitutes a complete and full response to the Office action of record. Accordingly, an early and favorable action is respectfully requested.

Respectfully submitted,

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